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CP# 4  
GAU287.2

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Date: April 17, 2000

Docket No.: 2119-107P

Appl. No.: 09/049,121

## BOX CPA

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 09/049,121 entitled VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR DEVICE AND METHOD by the following named Inventor(s):

Rodney L. CLARK, Jay A. HAMMER and John R. KARPINSKY

☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d) (4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

2/10/2000 09/049,121 00000043 09049121

01 FC:203 02 FC:202 03 FC:203

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

04/18/2000 SLURNG1 00000043 09049121

01 FC:231	345.00 OP
02 FC:202	78.00 OP
03 FC:203	153.00 OP

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1. ☐ Enter the Amendment previously filed , under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☒ A Preliminary Amendment is enclosed.
3. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. ☐ A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$690.00	\$345.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	42 37-20=	17 22	x 18 = \$0.00	x 9 = <del>\$153.00</del> 198
INDEPENDENT CLAIMS	5-3=	2	x 78 = \$0.00	x 39 = \$78.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$260.00	+ \$130.00
TOTAL				\$576.00

5. Small entity status:

- ☐ A small entity statement is enclosed.
  - ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
  - ☐ Is no longer claimed.
6. ☐ Priority of Application No(s). filed in on is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on .

7. ☐ Priority of International Appl. filed under the Patent Cooperation Treaty and Application No. filed in on under 35 U.S.C. § 119 are hereby reclaimed.
8. ☒ Address all future communications to:  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
or  
Customer No. 2292
9. ☐ The applicant(s) hereby petition(s) for an extension of ( ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
- ☐ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$0.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of ( ) month(s) was previously requested and paid for on in the prior application. Thus, a fee of \$0.00 is required to obtain an additional ( ) month(s) in order to establish co-pendency with the present application.
10. ☒ A check in the amount of \$921.00 is enclosed.
11. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
12. ☐ The filing fee is NOT attached. Please issue a Notice requesting the filing fee.
13. ☐ Also enclosed herewith is the following:

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

MKM/lab  
2119-107P

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Attachments

(Rev. 01/08/2000)



PATENT  
2119-107P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CLARK et al.

SERIAL NO.: 09/049,121

GROUP: 2872

FILED: March 27, 1998

EXAMINER: Phan, J.

FOR: VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR  
DEVICE AND METHOD

# 17/B  
4/25/00

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

April 12, 2000

Sir:

The following preliminary amendments and remarks are respectfully  
submitted in connection with the above-identified application.

IN THE CLAIMS:

Please amend claims 1, 3, 16, 19 and 20 as follows:

B1

1. (Amended) A deformable mirror comprising:  
a vertical electrostatic comb drive; and  
a reflective surface attached to said vertical comb drive and defining a plane;  
said vertical comb drive, when actuated, displacing said surface in a  
direction orthogonal to the plane thereof.

B2

3. (Amended) A deformable mirror comprising:  
a vertical electrostatic comb drive; and

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